UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re: Case No. 10-48817

SHAWNNA SIMONA SPENCER,   Chapter 7

        Debtor.   Judge Thomas J. Tucker

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ORDER DENYING DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

Debtor filed her voluntary petition for relief under Chapter 7 on March 19, 2010. On

March 30, 2010, Debtor filed a motion entitled "Debtor's Motion to Extend Automatic Stay

Pursuant to 11 USC §362" (Docket # 11, the "Motion"). The Motion seeks to extend the

automatic stay and waiver of the 7-day deadline under L.B.R. 4001-5(a).[1]

Under 11 U.S.C. § 362(c)(3)(B), in order for the court to extend the stay, a hearing on a

motion to extend the automatic stay must be completed within 30 days after the filing of the

case. Because of the statute's 30-day hearing deadline, L.B.R. 4001-5(a) (E.D. Mich.) requires

that a motion to extend the stay be filed and served within 7 days after the bankruptcy petition is

filed and that "[i]f the movant has not received a notice of hearing within 7 days after filing the

motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date

within the time limit established by law."

In this case, the Motion was filed beyond the 7-day deadline; the Court failed to notice

the Motion for hearing; and Debtor did not contact the Judge's courtroom deputy clerk to obtain

a hearing date when the movant did not receive notice of a hearing on the Motion within 7 days

after filing the Motion. Rather, Debtor did not contact the Judge's courtroom deputy clerk until

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[1] The Motion erroneously refers to L.B.R. 4001-6(a).

April 19, 2010, the very day the 30-day deadline was to expire. As a result, it is now impossible

to schedule and complete a hearing on Debtor's Motion to extend the stay within the required

30-day period. For this reason, the Motion must be denied.

Accordingly,

IT IS ORDERED that Debtor's Motion (Docket # 11), is DENIED.

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Signed on April 19, 2010

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/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

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